

**CONFIDENTIAL MATERIALS EXCLUDED**

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

STREAK PRODUCTS, INC.,

Complainant,

v.

UTi, UNITED STATES, INC.,

Respondent.

**Docket No. 13-04**

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

STREAK PRODUCTS, INC.,

Complainant,

v.

UTi, UNITED STATES, INC.,

Respondent.

**Docket No. 13-04**

**RESPONDENT UTi, UNITED STATES, INC.'S  
CONFIDENTIAL AND RESTRICTED  
SUPPLEMENTAL RESPONSE TO FEBRUARY 27, 2014, ORDER**

Pursuant to Your Honor's February 27, 2014, Order to File Selected Shipping Documents (the "Order") and Federal Maritime Commission Rule of Practice and Procedure 505 (46 C.F.R. § 502.5), Respondent UTi, United States, Inc. ("UTi"), by and through its attorneys, hereby submits its Confidential and Restricted Supplemental Response to the Order.

The Order requests that the "parties jointly file copies of all shipping documents" related to four shipments identified by Your Honor. UTi respectfully asserts that certain documents which may constitute "shipping documents" responsive to Your Honor's request contain confidential and proprietary information belonging to UTi and third parties not involved in this action.

As argued in UTi's Opposition to Streak Products' Motion to Compel, the dangers associated with the production of confidential and proprietary information, such disclosure is considered inherently burdensome and should not be ordered absent a showing of need.<sup>1</sup> If this

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<sup>1</sup> Docket No. 09-08, *SSA Terminals v. The City of Oakland*, Order on Motion to Compel and Motion to Quash (May 11, 2012), citing *Litton Industries v. Chesapeake & Ohio R.R.*, 129 F.R.D. 528, 530 (E.D. Wis. 1990).

information were released, or shared within the community, it could significantly harm UTi's competitive interests, as well as the competitive interests of third parties not involved in this action.

In an effort to fully comply with the Order while maintaining its ability to protect this confidential and proprietary information, UTi hereby submits additional information related to the four shipments pursuant to Rule 5 as Exhibits 1-4.

Dated: March 6, 2014

Respectfully submitted,

By: 

Ashley W. Craig

Rachel M. Fiorill

Elizabeth K. Lowe

Venable LLP

575 Seventh Street, N.W.

Washington, D.C. 20004

Tel: (202) 344-4351

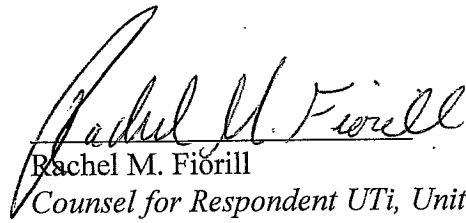
Fax: (202) 344-8300

awcraig@venable.com

*Counsel for Respondent UTi, United States, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of March 2014, a true and complete copy of the public version of the foregoing response was served on the following by first-class mail, postage pre-paid, and electronic mail:

  
Rachel M. Fiorill  
*Counsel for Respondent UTi, United States, Inc.*

**Exhibit 1**

**HB/L 5860613289**

**Confidential Materials Excluded**

**Exhibit 2**

**HB/L 5852214636**

**Confidential Materials Excluded**



**Exhibit 3**

**HB/L 588311875**

## **Confidential Materials Excluded**

**Exhibit 4**

**HB/L 5852222772**

## **Confidential Materials Excluded**